IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 34196 of 2006(U)

PETITIONER:

SADASIVAN ACHARI,
S/O.DAMODARAN ACHARI, SHYJU NIVAS,
PERUNNA, CHENGANACHERRY.

BY ADV. SRI.A.N.RAJAN BABU,
SMT.K.SUNITHA VINOD,
SRI.P.GOPALAKRISHNAN.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REP. BY DIRECTOR GENERAL OF PROSECUTION,
   HIGH COURT OF KERALA, ERNAKULAM.

2. **THE SUPERINTENDENT OF POLICE,**
   PATHANAMTHITTA.

3. **SUB INSPECTOR OF POLICE,**
   KONNY, KOODAL.

4. **RAJAMMAL, CHANNAYIL VEEDU,**
   KALANJOOR P.O., ADOOR TALUK.

5. **HARIHARAPILLAI, SREE KRISHNA VILASAM,**
   CHANNAPULATHU, PATHANAPURAM.

prv.

W.P.(C). NO.34196/2006:

6. JANARDANAN ACHARI,
MANIKANDAVILASATHU,
KALANJOOR P.O., ADOOR DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW,
GOVT. PLEADER SRI. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.34196/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALE DEED NO. 1131/97 DT. 23RD JUNE 97.

EXT.P.2: COPY OF THE JUDGMENT DT. 31ST AUGUST 2006 IN O.S. NO. 377/2003 IN THE MUNSIFF COURT, ADOOR.

EXT.P.3: COPY OF THE DECREE IN O.S. NO. 377/03 FILED BY PETITIONER BEFORE MUNSIFF COURT, ADOOR.

EXT.P.4: COPY OF THE PETITION FILED BY PETITIONER BEFORE R.3. ON 05/01/06.

EXT.P.5: COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 34196 OF 2006-U

Dated 26th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking the following reliefs:

> "(i) to issue a writ of mandamus or any other appropriate writs, direction or orders directing respondents 2 and 3 to provide adequate and effective police protection to the petitioner and his men and workers to enjoy the property covered by Ext.P1 sale deed, Ext.P2 judgment and P3 decree,
>
> (ii) to issue a writ of mandamus directing the respondents 2 and 3 to enforce Ext.P2 and Ext.P3 decree of the Munsiff's Court,
>
> (iii) to issue a writ of mandamus directing the respondents 2 and 3 to remove the obstructions caused to the petitioner by the respondents 4 to 6 and their men.
>
> (iv) to issue a writ of prohibition restraining respondents 4 to 6 and their men and associates or anybody on their behalf from causing any interference with the associates and causing obstruction to the petitioner or his men and workers in enjoying the property covered by Exts.P1, P2 and P3."

2. The dispute raised in this writ petition is a civil dispute concerning

the enjoyment of the property covered by Ext.P1. For that the petitioner has to move the civil court. He submits, he has obtained Ext.P2 judgment and Ext.P3 decree against the defendants therein, restraining them from trespassing into the property covered by Ext.P1. The main prayer is to direct the police to execute the said judgment and decree. We are not aware of any statutory provision which authorises the police to execute the decree of a civil court. For that the petitioner has to move the executing court. If there is any violence or breach of peace in the area, needless to say, the police have the duty to maintain law and order. But, it is made clear that this is not a direction in favour of the petitioner or the party respondents herein.

With the above observation, the writ petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/